

**Senate File 380 - Reprinted**

SENATE FILE 380  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1067)

(As Amended and Passed by the Senate March 20, 2013)

**A BILL FOR**

1 An Act authorizing charitable auctions for alcoholic spirits.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.173A, Code 2013, is amended to read  
2 as follows:

3 **123.173A Charity beer, spirits, and wine auction permit.**

4 1. For purposes of this section, "*authorized nonprofit*  
5 *entity*" includes a nonprofit entity which has a principal office  
6 in the state, a nonprofit corporation organized under chapter  
7 504, or a foreign corporation as defined in section 504.141,  
8 whose income is exempt from federal taxation under section  
9 501(c) of the Internal Revenue Code.

10 2. An authorized nonprofit entity may, upon application to  
11 the division and receipt of a charity beer, spirits, and wine  
12 auction permit from the division, conduct a charity auction  
13 which includes beer, spirits, and wine. The application shall  
14 specify the date and time when the charity beer, spirits, and  
15 wine auction is to be conducted and the premises in this state  
16 where the charity beer, spirits, and wine auction is to be  
17 physically conducted. The applicant shall certify that the  
18 objective of the charity beer, spirits, and wine auction is  
19 to raise funds solely to be used for educational, religious,  
20 or charitable purposes and that the entire proceeds from the  
21 charity beer, spirits, and wine auction are to be expended for  
22 any of the purposes described in section 423.3, subsection 78.

23 3. An authorized nonprofit entity shall be eligible to  
24 receive only two charity beer, spirits, and wine auction  
25 permits during a calendar year and each charity beer, spirits,  
26 and wine auction permit shall be valid for a period not to  
27 exceed thirty-six consecutive hours.

28 4. The authorized nonprofit entity conducting the charity  
29 beer, spirits, and wine auction shall obtain the beer, spirits,  
30 and wine to be auctioned at the charity beer, spirits, and wine  
31 auction from an Iowa retail beer permittee, an Iowa retail  
32 liquor control licensee, or an Iowa retail wine permittee, or  
33 may receive donations of beer, spirits, or wine to be auctioned  
34 at the charity beer, spirits, and wine auction from persons  
35 who purchased the donated beer, spirits, or wine from an Iowa

1 retail beer permittee, an Iowa retail liquor control licensee,  
2 an Iowa micro-distilled spirits permittee, or an Iowa retail  
3 wine permittee and who present a receipt documenting the  
4 purchase at the time the beer, spirits, or wine is donated.  
5 The authorized nonprofit entity conducting the charity beer,  
6 spirits, and wine auction shall retain a copy of the receipt  
7 for a period of one year from the date of the charity beer,  
8 spirits, and wine auction.

9       5. Persons shall be physically present at the charity  
10 beer, spirits, and wine auction to be eligible to bid on beer,  
11 spirits, and wine sold at the charity auction.

12       6. The beer, spirits, and wine sold at the charity beer,  
13 spirits, and wine auction shall be in original containers  
14 for consumption off of the premises where the charity beer,  
15 spirits, and wine auction is conducted. No other alcoholic  
16 beverage may be sold by the charity beer, spirits, and wine  
17 auction permittee at the charity beer, spirits, and wine  
18 auction. A purchaser of beer, spirits, or wine at a charity  
19 beer, spirits, and wine auction shall not take possession of  
20 the beer, spirits, or wine until the person is leaving the  
21 event. A purchaser of beer, spirits, or wine at a charity  
22 beer, spirits, and wine auction shall not open the container  
23 or consume or permit the consumption of the beer, spirits, or  
24 wine purchased on the premises where the charity beer, spirits,  
25 and wine auction is conducted. A purchaser of beer, spirits,  
26 or wine at a charity beer, spirits, and wine auction shall not  
27 resell the beer, spirits, or wine.

28       7. A liquor control licensee, beer permittee,  
29 micro-distilled spirits permittee, or wine permittee shall not  
30 purchase beer, spirits, or wine at a charity beer, spirits, and  
31 wine auction. The charity beer, spirits, and wine auction may  
32 be conducted on a premises for which a class "B" liquor control  
33 license or class "C" liquor control license has been issued,  
34 provided that the liquor control licensee does not participate  
35 in the charity beer, spirits, and wine auction, supply beer,

1 spirits, or wine to be auctioned at the charity beer, spirits,  
2 and wine auction, or receive any of the proceeds of the charity  
3 beer, spirits, and wine auction.

4     Sec. 2. Section 123.179, subsection 5, Code 2013, is amended  
5 to read as follows:

6     5. The fee for a charity beer, spirits, and wine auction  
7 permit is one hundred dollars.